

Strickland.  
Thompson.  
Turner.

Vaughan.  
Williamson.  
Wilson.

Absent—Excused.

Abney.  
Atkinson.  
Baker of Orange.  
Blount.  
Bryant.  
Dinkle.  
Jones.

Lusk.  
Merriman.  
Patterson.  
Rogers.  
Sackett.  
Sweet.

The House accordingly, at 5:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

The following standing committees have today filed favorable reports on bills as follows:

Revenue and Taxation—House bills Nos. 7, 11 and 67.

Agriculture—Senate bill No. 15.

The following standing committee has today filed unfavorable report on bills as follows:

Revenue and Taxation—House bills Nos. 46, 6 and 19.

#### EIGHTH DAY.

(Tuesday, May 29, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and developed the fact that there was not a quorum present.

Mr. Carpenter of Dallas moved a call of the House for the purpose of securing and maintaining a quorum until 12 o'clock m. today, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Barker, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

The roll was again called and the following members were present:

Arnold.  
Avis.  
Baker of Milam.  
Barker.  
Barrett.  
Beasley.  
Bell.  
Bird.  
Bonham.  
Burmeister.  
Cable.  
Carpenter  
of Dallas.  
Carpenter  
of Matagorda.  
Carson.  
Carter of Coke.  
Carter of Hays.  
Chitwood.  
Coffee.  
Collins.  
Covey.  
Cowen.  
Crawford.  
Culp.  
Davenport.  
Davis.  
DeBerry.  
Dodd.  
Downs.  
Driggers.  
Duffey.  
Dunlap.  
Dunn.  
Durham.  
Edwards.  
Faubion.  
Fields.  
Finlay.  
Frnka.  
Gipson.  
Green.  
Greer.  
Hardin of Erath.  
Harrington.  
Harris.  
Henderson  
of Marion.  
Henderson  
of McLennan.  
Hendricks.  
Howeth.  
Irwin.  
Jennings.  
Johnson.  
Kemble.  
Lackey.  
Laird.  
Lane.  
LeMaster.  
LeSturgeon.  
Lewis.  
Loftin.  
Looney.

McBride.  
McDaniel.  
McDonald.  
McFarlane.  
McKean.  
McNatt.  
Martin.  
Mathes.  
Maxwell.  
Melson.  
Merritt.  
Miller.  
Montgomery.  
Moore.  
Morgan  
of Liberty.  
Morgan  
of Robertson.  
Pate.  
Patman.  
Perdue.  
Pinkston.  
Pool.  
Pope.  
Potter.  
Price.  
Purl.  
Quaid.  
Quinn.  
Rice.  
Robinson.  
Russell  
of Callahan.  
Russell of Trinity.  
Sanford.  
Satterwhite.  
Shearer.  
Shires.  
Simpson.  
Smith.  
Sparkman.  
Stell.  
Stevens.  
Stewart  
of Edwards.  
Stewart  
of Galveston.  
Stewart of Jasper.  
Stewart of Reeves.  
Stiernberg.  
Storey.  
Stroder.  
Teer.  
Thompson.  
Thrasher.  
Turner.  
Vaughan.  
Wallace.  
Wells.  
Westbrook.  
Wilmans.  
Winfree.  
Young.

Absent.

Amsler.

Baldwin.

Bobbitt.	Hull.
Dielmann.	Jacks.
Fugler.	Lamb.
Hardin	Rowland.
of Kaufman.	Strickland.
Houston.	Williamson.
Hughes.	

Absent—Excused.

Abney.	Merriman.
Atkinson.	Patterson.
Baker of Orange.	Rogers.
Blount.	Sackett.
Bryant.	Sweet.
Dinkle.	Wessels.
Jones.	Wilson.
Lusk.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Dinkle and Mr. Patterson for today, on motion of Mr. Beasley.

Mr. Sweet for today, on motion of Mr. Kemble.

Mr. Jones for today, on motion of Mr. Durham.

Mr. Wilson for yesterday and today, on motion of Mr. Bell.

Mr. Atkinson for today and indefinitely, on motion of Mr. Barker.

Mr. Wessels for today, on motion of Mr. Stell.

Mr. Baker of Orange for today, on motion of Mr. Wells.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Bonham:

H. B. No. 68, A bill to be entitled "An Act to amend Sections 5 and 7 of the Acts of the Second Called Session of the Thirty-eighth Legislature of the State of Texas, known as House bill No. 11, entitled 'An Act to provide a more efficient method for the collection of delinquent taxes on land; providing compensation for the county attorney and other officials for service rendered in collecting such taxes, further providing for the employment of a special attorney to assist in collecting such taxes, amending Section 1 of Chapter

147 of the Acts of the Regular Session of the Thirty-fourth Legislature, as amended by Section 1 of Chapter 64 of the General Laws passed at the Second Called Session of the Thirty-sixth Legislature, amending Section 2 of Chapter 147 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fourth Legislature, amending Articles 7687, 7688, 7689, 7692, 7699 of the Revised Civil Statutes of the State of Texas of 1911, repealing Section 3, Chapter 147, of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fourth Legislature, as amended by Section 2, Chapter 64, of the General Laws of the State of Texas passed by the Second Called Session of the Thirty-sixth Legislature, adding to Chapter 15 of Title 126 of the Revised Statutes of Texas of 1911 a new article to be known as Article 7689a, limiting the defenses that may be urged in defense of a suit for delinquent taxes, repealing all laws in conflict with the provisions of this act, and declaring an emergency,' by making Section 5 refer to Article 7689 instead of Article 7687, and by defining more clearly what moneys shall be sent by the sheriff to the State Treasurer when the sheriff shall make a sale as provided for in said act, and by amending Section 7, more clearly defining fees to be allowed county attorneys under said act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Pope:

H. B. No. 69, A bill to be entitled "An Act to amend, change, modify, repeal and supplement certain appropriations made and contained in Senate bill No. 3, passed by the Second Called Session of the Thirty-eighth Legislature of the State of Texas, entitled 'An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them as follows, to wit: University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso; Agricultural and Mechanical College; State Experimental Stations; Prairie View Normal and Industrial College; John Tarleton Agricultural College, Grubbs Vocational College, hereafter to be known as the North Texas Junior Agricultural College; College of Industrial Arts; Texas

Technological College; Sam Houston State Teachers College at Huntsville; Southwest Texas State Teachers College at San Marcos; North Texas State Teachers College at Denton; West Texas State Teachers College at Canyon; East Texas State Teachers College at Commerce; Sul Ross State Teachers College at Alpine; Stephen F. Austin State Teachers College at Nacogdoches; South Texas State Teachers College at Kingsville; Texas School for the Blind and Texas School for the Deaf, for years beginning September 1, 1923, and ending August 31, 1925, and declaring an emergency,' providing for the method of paying out said appropriations; designating the time required to be rendered in order to be entitled to any part of said appropriation; requiring the board of regents to fix and collect rents on certain University lands; providing for disposition of funds from sale of text books sold by certain professors and instructors, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Smith:

H. B. No. 70, A bill to be entitled "An Act to pay miscellaneous claims due by the State, said claims being legal and lawful charges against the State; repealing all laws in conflict with this act, and declaring an emergency."

Referred to Committee on Claims and Accounts.

#### BILL ORDERED PRINTED IN JOURNAL.

Mr. Quinn moved that House bill No. 59, reported adversely with a minority favorable report, be printed in the Journal and not otherwise printed.

Mr. Montgomery moved to table the motion.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—43.

Arnold.	Cowen.
Baker of Milam.	Davenport.
Beasley.	Dunlap.
Bonham.	Edwards.
Burmeister.	Gipson.
Carpenter	Irwin.
of Dallas.	Johnson.
Carpenter	Kemble.
of Matagorda.	Lackey.
Carson.	Lane.
Carter of Coke.	LeSturgeon.
Chitwood.	Lewis.

7-3c

McNatt.  
Maxwell.  
Melson.  
Montgomery.  
Moore.  
Morgan  
of Liberty.  
Morgan  
of Robertson.  
Pope.  
Potter.  
Purl.  
Quaid.

Robinson.  
Russell  
of Callahan.  
Sanford.  
Shearer.  
Smith.  
Stewart  
of Galveston.  
Thrasher.  
Wells.  
Winfree.  
Young.

#### Nays—67.

Avis.  
Barker.  
Barrett.  
Bell.  
Bird.  
Cable.  
Carter of Hays.  
Coffee.  
Collins.  
Covey.  
Crawford.  
Culp.  
Davis.  
DeBerry.  
Dodd.  
Driggers.  
Duffey.  
Dunn.  
Durham.  
Faubion.  
Fields.  
Finlay.  
Frnka.  
Greer.  
Hardin of Erath.  
Harrington.  
Harris.  
Henderson  
of Marion.  
Henderson  
of McLennan.  
Hendricks.  
Howeth.  
Laird.  
LeMaster.

Loftin.  
Looney.  
McBride.  
McDonald.  
McFarlane.  
Martin.  
Mathes.  
Merritt.  
Miller.  
Patman.  
Perdue.  
Pinkston.  
Pool.  
Price.  
Quinn.  
Rice.  
Russell of Trinity.  
Satterwhite.  
Shires.  
Simpson.  
Sparkman.  
Stell.  
Stevens.  
Stewart  
of Edwards.  
Stewart of Jasper.  
Stewart of Reeves.  
Stiernberg.  
Stroder.  
Teer.  
Thompson.  
Vaughan.  
Wallace.  
Westbrook.  
Wilmans.

#### Present—Not Voting.

Jennings.

McDaniel.

#### Absent.

Amsler.	Hull.
Baldwin.	Jacks.
Bobbitt.	Lamb.
Dielmann.	McKean.
Downs.	Pate.
Fugler.	Rowland.
Green.	Storey.
Hardin	Strickland.
of Kaufman.	Turner.
Houston.	Williamson.
Hughes.	

## Absent—Excused.

Abney.	Merriman.
Atkinson.	Patterson.
Baker of Orange.	Rogers.
Blount.	Sackett.
Bryant.	Sweet.
Dinkle.	Wessels.
Jones.	Wilson.
Lusk.	

(Mr. Satterwhite in the chair.)

Question then recurring on the motion to print, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—59.

Avis.	Lane.
Barker.	LeMaster.
Barrett.	Loftin.
Bird.	Looney.
Cable.	McBride.
Carter of Hays.	McDaniel.
Coffee.	Martin.
Collins.	Mathes.
Covey.	Miller.
Crawford.	Patman.
Davis.	Perdue.
DeBerry.	Pinkston.
Dodd.	Pool.
Downs.	Price.
Driggers.	Quinn.
Duffey.	Rice.
Durham.	Satterwhite.
Faubion.	Simpson.
Fields.	Sparkman.
Finlay.	Stell.
Frnka.	Stevens.
Greer.	Stewart
Hardin of Erath.	of Edwards.
Harrington.	Stewart of Jasper.
Harris.	Stroder.
Henderson	Teer.
of Marion.	Thompson.
Hendricks.	Wallace.
Howeth.	Westbrook.
Jennings.	Wilmans.
Laird.	

## Nays—52.

Arnold.	Dunn.
Baker of Milam.	Edwards.
Beasley.	Gipson.
Bell.	Henderson
Bonham.	of McLennan.
Burmeister.	Irwin.
Carpenter	Johnson.
of Dallas.	Kemble.
Carpenter	Lackey.
of Matagorda.	LeStourgeon.
Carson.	Lewis.
Carter of Coke.	McFarlane.
Chitwood.	McKean.
Cowen.	McNatt.
Davenport.	Maxwell.
Dunlap.	Melson.

Montgomery.	Sanford.
Moore.	Shearer.
Morgan	Shires.
of Liberty.	Smith.
Morgan	Stewart
of Robertson.	of Galveston.
Pate.	Stiernberg.
Pope.	Storey.
Potter.	Thrasher.
Quaid.	Vaughan.
Robinson.	Wells.
Russell	Winfree.
of Callahan.	Young.
Russell of Trinity.	

## Present—Not Voting.

McDonald.

## Absent.

Amsler.	Hull.
Baldwin.	Jacks.
Bobbitt.	Lamb.
Culp.	Merritt.
Dielmann.	Purl.
Fugler.	Rowland.
Green.	Stewart of Reeves.
Hardin	Strickland.
of Kaufman.	Turner.
Houston.	Williamson.
Hughes.	

## Absent—Excused.

Abney.	Merriman.
Atkinson.	Patterson.
Baker of Orange.	Rogers.
Blount.	Sackett.
Bryant.	Sweet.
Dinkle.	Wessels.
Jones.	Wilson.
Lusk.	

(Speaker in the chair.)

PROVIDING FOR COMMITTEE TO  
INVESTIGATE CERTAIN LAND  
PURCHASE OF UNIVER-  
SITY OF TEXAS.

Mr. Moore offered the following resolution:

Whereas, The Thirty-seventh Legislature, at its Regular Session in 1921, appropriated \$1,350,000 for the purchase of additional land adjacent to the campus of the University of Texas; and

Whereas, The bill making such appropriation provided also for appointment of a commission to purchase certain land under such appropriation; and

Whereas, The said commission so appointed is the agent of the State of Texas, and as such has not made a report of its work to the Legislature; and

Whereas, It is reported that the said commission so appointed has purchased certain lands under said appropriation

without approval of representatives of the citizens' committee of the city of Austin as provided in a certain bond given by said citizens of Austin; therefore, be it

Resolved by the House of Representatives of the Thirty-eighth Legislature, That a committee of five members of said House be appointed by the Speaker thereof to determine fully the status of said land acquisition appropriation and citizens' bond, and report to the House its findings; be it further

Resolved, That said committee be clothed with the authority of a district court, empowered to summon and swear witnesses, and require testimony; and that said committee be allowed the services of a stenographer now employed by the House, who shall serve as clerk of said committee during its deliberations.

Signed—Moore, Bonham, Quaid.

The resolution was read second time and was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 29, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 11, A bill to be entitled "An Act making appropriations for the Department of Banking and for the Department of Insurance and Banking for two years beginning September 1, 1923, and ending August 31, 1925, repealing all appropriations made for the Department of Insurance and Banking as set forth in Senate bill No. 32 passed by the Second Called Session of the Thirty-eighth Legislature, and declaring an emergency."

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

#### RELATING TO REDUCING APPROPRIATION OF PUBLIC SCHOOLS.

The Speaker laid before the House, for consideration at this time, resolution offered by Mr. Patman, relating to reducing appropriations of the public schools, with the following (committee) substitute:

Whereas, It becomes necessary for the Legislature to reduce the appropriations heretofore made or to raise revenue suffi-

cient to take care of said appropriations; and

Whereas, It has been proposed that the appropriations for the public free schools to supplement the available fund and for rural aid be reduced in order to eliminate the necessity for further revenue raising measures; be it

Resolved by the House of Representatives, State of Texas, That we are unalterably opposed to reducing appropriations heretofore made for the public schools below \$13 per capita, and further opposed to any reduction in the appropriation made for rural aid.

The resolution having heretofore been read second time.

Question recurring on the substitute, it was adopted.

Question then recurring on the resolution, as substituted, it was adopted. (Mr. Satterwhite in the chair.)

#### HOUSE BILL NO. 35 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 35, A bill to be entitled "An Act to amend House bill No. 17 passed at the Regular Session of the Thirty-eighth Legislature of Texas, and approved by the Governor January 31, 1923, the act amended being an act requiring the Board of Water Engineers and the State Reclamation Engineer in conformity to the statute determining their powers and duties, to make and cause to be made and report to the Governor an adequate topographic and hydrographic survey of the stream water sheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency."

The bill having been read second time on yesterday, with amendment by Mr. Melson pending.

(Pending consideration of the amendment, Mr. Satterwhite occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Westbrook moved the previous question on the pending amendment and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—31.

Barrett.	McDaniel.
Cable.	Melson.
Carter of Hays.	Patman.
Collins.	Pinkston.
Davis.	Quinn.
DeBerry.	Simpson.
Dodd.	Sparkman.
Downs.	Stell.
Faubion.	Stewart of Jasper.
Fields.	Stiernberg.
Greer.	Storey.
Jennings.	Stroder.
Laird.	Teer.
Loftin.	Wallace.
Looney.	Westbrook.
McBride.	

## Nays—79.

Arnold.	Lackey.
Avis.	Lane.
Baker of Milam.	LeMaster.
Barker.	LeStourgeon.
Beasley.	Lewis.
Bell.	McDonald.
Bonham.	McFarlane.
Burmeister.	McKean.
Carpenter	McNatt.
of Dallas.	Martin.
Carpenter	Mathes.
of Matagorda.	Maxwell.
Carson.	Merritt.
Carter of Coke.	Montgomery.
Chitwood.	Moore.
Coffee.	Pate.
Covey.	Perdue.
Cowen.	Pool.
Crawford.	Pope.
Culp.	Price.
Davenport.	Purl.
Driggers.	Quaid.
Duffey.	Rice.
Dunlap.	Robinson.
Dunn.	Russell of Callahan.
Durham.	Russell of Trinity.
Edwards.	Sanford.
Finlay.	Satterwhite.
Frnka.	Shearer.
Gipson.	Shires.
Green.	Smith.
Hardin of Erath.	Stevens.
Harrington.	Stewart
Harris.	of Edwards.
Henderson	Stewart
of Marion.	of Galveston.
Henderson	Stewart of Reeves.
of McLennan.	Thrasher.
Hendricks.	Turner.
Howeth.	Vaughan.
Irwin.	Wells.
Johnson.	Winfree.
Kemble.	Young.

## Present—Not Voting.

## Bird.

## Absent.

Amsler.	Jacks.
Baldwin.	Miller.
Bobbitt.	Morgan
Dielmann.	of Robertson.
Fugler.	Potter.
Hardin	Rowland.
of Kaufman.	Strickland.
Houston.	Thompson.
Hughes.	Williamson.
Hull.	Wilmans.

## Absent—Excused.

Abney.	Merriman.
Atkinson.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.
Lusk.	

## Paired.

Mr. Morgan of Liberty (present), who would vote "yea," with Mr. Baker of Orange (absent), who would vote "nay."

Mr. Burmeister moved to reconsider the vote by which the amendment was lost and to table the motion to reconsider.

The motion to table prevailed.

## RECESS.

On motion of Mr. Pate, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

## HOUSE BILL NO. 8 ON ENGROSSMENT.

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

H. B. No. 8, A bill to be entitled "An Act to amend Chapter 2, Title 126, of the Revised Statutes of the State of Texas, 1911, relative to the levy of occupation taxes based on gross receipts, by adding a new article, 7376a, said article extending the provisions of said chapter so as to include each and every person, association of persons or corporation created by the laws of this or any other State or nation, which shall engage, in their own name or in the name of others, in the wholesale busi-

ness of coal oil, fuel oil, naphtha, benzine, or any other mineral oils refined from petroleum; levying a tax of one-half per cent, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Patman pending.

Mr. Burmeister offered the following amendment to the amendment:

Amend the substitute to House bill No. 8 by striking out on page 101 of the Journal on line 9, counted from the bottom of the page, the following: "an annual tax of one-half of one per cent of the cash market value of any and all of said articles that may be received or possessed or handled or disposed of in any manner other than by sale in this State; and it is hereby expressly provided that delivery to or possession by any person, association of persons or corporations in this State of any of the articles hereinabove mentioned from whatever source the same may have been received, shall for the purpose of this act be held and considered such a sale and such ownership and possession of such articles and property (where no sale is made) as will and shall subject the same to the tax herein provided for."

Mr. Pate moved that further consideration of the bill be postponed indefinitely.

Question first recurring on the amendment by Mr. Burmeister to the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—34.

Arnold.	Merritt.
Avis.	Montgomery.
Burmeister.	Morgan
Chitwood.	of Liberty.
Collins.	Pate.
Covey.	Pool.
Cowen.	Quaid.
Culp.	Quinn.
Dunn.	Russell
Gipson.	of Callahan.
Henderson	Satterwhite.
of McLennan.	Shearer.
Irwin.	Smith.
Jennings.	Stewart
Loftin.	of Galveston.
McFarlane.	Turner.
McKean.	Wells.
McNatt.	Winfree.
Maxwell.	Young.

Nays—67.

Baker of Milam.	Barker.
Baldwin.	Barrett.

Beasley.	LeSturgeon.
Bell.	Lewis.
Bird.	Looney.
Bonham.	McBride.
Cable.	McDaniel.
Carson.	McDonald.
Carter of Hays.	Mathes.
Crawford.	Miller.
Davis.	Moore.
DeBerry.	Patman.
Dodd.	Perdue.
Downs.	Pinkston.
Driggers.	Potter.
Duffey.	Price.
Durham.	Purl.
Edwards.	Rice.
Faubion.	Russell of Trinity.
Fields.	Sanford.
Finlay.	Shires.
Greer.	Simpson.
Hardin of Erath.	Sparkman.
Harrington.	Stell.
Harris.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of Marion.	Stroder.
Hendricks.	Teer.
Howeth.	Thompson.
Kemble.	Thrasher.
Lackey.	Wallace.
Laird.	Westbrook.
Lane.	Wilmans.
LeMaster.	

Present—Not Voting.

Mr. Speaker.

Absent.

Amsler.	Hull.
Bobbitt.	Jacks.
Carpenter	Johnson.
of Dallas.	Martin.
Carpenter	Melson.
of Matagorda.	Morgan
Carter of Coke.	of Robertson.
Coffee.	Pope.
Davenport.	Robinson.
Dielmann.	Rowland.
Dunlap.	Stevens.
Frnka.	Stewart
Fugler.	of Edwards.
Green.	Stiernberg.
Hardin	Storey.
of Kaufman.	Strickland.
Houston.	Vaughan.
Hughes.	Williamson.

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.

Mr. Patman moved to reconsider the

vote by which the amendment was lost and to table the motion to reconsider.

The motion to table prevailed.

Mr. Culp offered the following amendment to the amendment:

Amend the amendment to House bill No. 8, House Journal, page 101, Section 1, by striking out "coal oil and naphtha" wherever it occurs.

Mr. Patman moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—61.

Baker of Milam.	Lane.
Baldwin.	LeStourgeon.
Barker.	Lewis.
Barrett.	Looney.
Bell.	McBride.
Bird.	McDaniel.
Bonham.	McDonald.
Cable.	Martin.
Carson.	Melson.
Carter of Coke.	Miller.
Carter of Hays.	Pate.
Chitwood.	Patman.
Crawford.	Perdue.
Davis.	Price.
DeBerry.	Rice.
Dodd.	Satterwhite.
Downs.	Shearer.
Driggers.	Shires.
Duffey.	Simpson.
Dunlap.	Stell.
Durham.	Stevens.
Edwards.	Stewart
Fields.	of Edwards.
Finlay.	Stewart of Jasper.
Greer.	Stewart of Reeves.
Harrington.	Stroder.
Henderson	Teer.
of McLennan.	Thompson.
Hendricks.	Thrasher.
Howeth.	Turner.
Kemble.	Wallace.
Lackey.	Wells.
Laird.	Wilmons.

Nays—41.

Arnold.	Gipson.
Avis.	Henderson
Beasley.	of Marion.
Burmeister.	Jennings.
Carpenter	LeMaster.
of Dallas.	Loftin.
Carpenter	McFarlane.
of Matagorda.	McNatt.
Collins.	Mathes.
Cowen.	Maxwell.
Culp.	Merritt.
Davenport.	Moore.
Dunn.	Morgan
Faubion.	of Liberty.

Pinkston.	Russell of Trinity.
Pool.	Sanford.
Pope.	Smith.
Potter.	Stewart
Purl.	of Galveston.
Quaid.	Westbrook.
Quinn.	Winfree.
Russell	Young.
of Callahan.	

Present—Not Voting.

Mr. Speaker.

Absent.

Amsler.	Irwin.
Bobbitt.	Jacks.
Coffee.	Johnson.
Covey.	McKean.
Dielmann.	Montgomery.
Frnka.	Morgan
Fugler.	of Robertson.
Green.	Robinson.
Hardin of Erath.	Rowland.
Hardin	Sparkman.
of Kaufman.	Stiernberg.
Harris.	Storey.
Houston.	Strickland.
Hughes.	Vaughan.
Hull.	Williamson.

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.

Mr. Quinn offered the following amendment to the amendment:

Amend House bill No. 8 by striking out the words "one-half of one per cent" wherever they appear in the bill and insert in lieu thereof the words "one-fourth of one per cent."

Mr. Cable moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—25.

Arnold.	Chitwood.
Avis.	Collins.
Burmeister.	Cowen.
Carpenter	Crawford.
of Dallas.	Gipson.
Carpenter	Irwin.
of Matagorda.	Jennings.

McFarlane.	Pool.
Martin.	Purl.
Maxwell.	Quinn.
Merritt.	Russell
Miller.	of Callahan.
Morgan	Smith.
of Liberty.	Wilmans.
Pate.	

## Nays—75.

Baker of Milam.	Lewis.
Barker.	Looney.
Barrett.	McBride.
Beasley.	McDaniel.
Bird.	McDonald.
Bonham.	McNatt.
Cable.	Mathes.
Carson.	Melson.
Carter of Coke.	Montgomery.
Carter of Hays.	Patman.
Culp.	Perdue.
Davenport.	Pinkston.
Davis.	Potter.
DeBerry.	Price.
Dodd.	Quaid.
Downs.	Rice.
Driggers.	Russell of Trinity.
Duffey.	Sanford.
Dunlap.	Satterwhite.
Dunn.	Shearer.
Durham.	Shires.
Edwards.	Simpson.
Faubion.	Sparkman.
Fields.	Stell.
Finlay.	Stevens.
Greer.	Stewart
Hardin of Erath.	of Edwards.
Harrington.	Stewart
Harris.	of Galveston.
Henderson	Stewart of Jasper.
of McLennan.	Stewart of Reeves.
Hendricks.	Stroder.
Howeth.	Teer.
Kemble.	Thompson.
Lackey.	Thrasher.
Laird.	Wallace.
Lane.	Wells.
LeMaster.	Westbrook.
LeStourgeon.	Young.

## Present—Not Voting.

Mr. Speaker.

## Absent.

Amsler.	Henderson
Baldwin.	of Marion.
Bell.	Houston.
Bobbitt.	Hughes.
Coffee.	Hull.
Covey.	Jacks.
Dielmann.	Johnson.
Frnka.	Loftin.
Fugler.	McKean.
Green.	Moore.
Hardin	Morgan
of Kaufman.	of Robertson.

Pope.	Strickland.
Robinson.	Turner.
Rowland.	Vaughan.
Stiernberg.	Williamson.
Storey.	Winfree.

## Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.

Question then recurring on the amendment by Mr. Patman, it was adopted.

Mr. Patman offered the following amendment to the bill:

Amend House bill No. 8 by striking out all before the enacting clause and insert the following:

"A bill to be entitled An Act levying and providing for the payment of a State occupation tax on wholesale dealers of coal oil, fuel oil, naphtha, benzine, gasoline or any other mineral oils refined from petroleum; requiring records to be kept, reports to be made, and prescribing penalties for failure to comply with this act, and permitting officials to inspect all records so kept, providing for venue and jurisdiction for collection of penalties, taxes and prosecutions, and declaring an emergency."

The amendment was adopted.

Question then recurring on the motion to postpone indefinitely, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—32.

Arnold.	Merritt.
Avis.	Morgan
Bird.	of Liberty.
Burmeister.	Pate.
Carpenter	Pool.
of Dallas.	Pope.
Carpenter	Purl.
of Matagorda.	Quaid.
Collins.	Quinn.
Cowen.	Russell
Culp.	of Callahan.
Gipson.	Russell of Trinity.
Henderson	Satterwhite.
of McLennan.	Smith.
Irwin.	Stewart
Jennings.	of Galveston.
McFarlane.	Stewart of Reeves.
Martin.	Turner.
Maxwell.	Winfree.

## Nays—69.

Baker of Milam.	LeStourgeon.
Barker.	Lewis.
Barrett.	Looney.
Beasley.	McBride.
Bell.	McDaniel.
Bonham.	McDonald.
Cable.	McNatt.
Carson.	Mathes.
Carter of Coke.	Melson.
Carter of Hays.	Miller.
Chitwood.	Patman.
Crawford.	Perdue.
Davis.	Pinkston.
DeBerry.	Potter.
Dodd.	Price.
Downs.	Rice.
Driggers.	Sanford.
Duffey.	Shearer.
Dunlap.	Shires.
Dunn.	Simpson.
Durham.	Sparkman.
Edwards.	Stell.
Faubion.	Stevens.
Fields.	Stewart
Finlay.	of Edwards.
Greer.	Stewart of Jasper.
Hardin of Erath.	Stroder.
Harrington.	Teer.
Harris.	Thompson.
Henderson	Thrasher.
of Marion.	Wallace.
Hendricks.	Wells.
Howeth.	Westbrook.
Lackey.	Wilmons.
Lane.	Young.
LeMaster.	

## Present—Not Voting.

Mr. Speaker.

## Absent.

Amsler.	Johnson.
Baldwin.	Kemble.
Bobbitt.	Laird.
Coffee.	Loftin.
Covey.	McKean.
Davenport.	Montgomery.
Dielmann.	Moore.
Frnka.	Morgan
Fugler.	of Robertson.
Green.	Robinson.
Hardin	Rowland.
of Kaufman.	Stiernberg.
Houston.	Storey.
Hughes.	Strickland.
Hull.	Vaughan.
Jacks.	Williamson.

## Absent—Excused.

Abney.	Dinkle.
Atkinson.	Jones.
Baker of Orange.	Lamb.
Blount.	Lusk.
Bryant.	Merriman.

Patterson.  
Rogers.  
Sackett.

Sweet.  
Wessels.  
Wilson.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 8 was then passed to engrossment by the following vote:

## Yeas—63.

Baker of Milam.	Looney.
Barker.	McBride.
Barrett.	McDaniel.
Beasley.	McDonald.
Cable.	McNatt.
Carson.	Mathes.
Carter of Coke.	Melson.
Carter of Hays.	Miller.
Davis.	Montgomery.
DeBerry.	Patman.
Dodd.	Perdue.
Downs.	Pinkston.
Driggers.	Potter.
Duffey.	Price.
Dunlap.	Rice.
Durham.	Sanford.
Edwards.	Shires.
Faubion.	Simpson.
Fields.	Sparkman.
Greer.	Stell.
Hardin of Erath.	Stevens.
Harrington.	Stewart
Harris.	of Edwards.
Henderson	Stewart of Jasper.
of Marion.	Stroder.
Hendricks.	Teer.
Howeth.	Thompson.
Kemble.	Thrasher.
Laird.	Wallace.
Lane.	Wells.
LeMaster.	Westbrook.
LeStourgeon.	Wilmons.
Lewis.	Young.

## Nays—40.

Arnold.	Irwin.
Avis.	Jennings.
Bell.	Lackey.
Bird.	McFarlane.
Burmeister.	Martin.
Carpenter	Maxwell.
of Dallas.	Merritt.
Carpenter	Morgan
of Matagorda.	of Liberty.
Chitwood.	Pate.
Collins.	Pool.
Cowen.	Pope.
Crawford.	Purl.
Culp.	Quaid.
Davenport.	Quinn.
Dunn.	Russell
Finlay.	of Callahan.
Gipson.	Russell of Trinity.
Henderson	Satterwhite.
of McLennan.	Shearer.

Smith. Stewart of Reeves.  
Stewart Turner.  
of Galveston. Winfree.

Present—Not Voting.

Mr. Speaker.

Absent.

Amsler.	Jacks.
Baldwin.	Johnson.
Bobbitt.	Loftin.
Bonham.	McKean.
Coffee.	Moore.
Covey.	Morgan
Dielmann.	of Robertson.
Frnka.	Robinson.
Fugler.	Rowland.
Green.	Stiernberg.
Hardin	Storey.
of Kaufman.	Strickland.
Houston.	Vaughan.
Hughes.	Williamson.
Hull.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.

# MOTION TO TAKE UP HOUSE BILL NO. 8.

Mr. Patman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 8 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—78.

Mr. Speaker.	Duffey.
Baker of Milam.	Dunlap.
Barker.	Dunn.
Barrett.	Durham.
Beasley.	Edwards.
Bell.	Faubion.
Bonham.	Fields.
Cable.	Finlay.
Carson.	Gipson.
Carter of Coke.	Greer.
Carter of Hays.	Hardin of Erath.
Chitwood.	Harrington.
Cowen.	Harris.
Crawford.	Henderson
Davis.	of Marion.
DeBerry.	Hendricks.
Dodd.	Howeth.
Downs.	Irwin.
Driggers.	Lackey.

Laird.	Rice.
Lane.	Russell of Trinity.
LeMaster.	Sanford.
LeSturgeon.	Satterwhite.
Lewis.	Shires.
Looney.	Simpson.
McBride.	Sparkman.
McDaniel.	Stell.
McDonald.	Stevens.
McNatt.	Stewart
Martin.	of Edwards.
Mathes.	Stewart of Jasper.
Melson.	Stewart of Reeves.
Miller.	Stroder.
Montgomery.	Thompson.
Patman.	Thrasher.
Perdue.	Wallace.
Pinkston.	Wells.
Potter.	Westbrook.
Price.	Wilmans.
Purl.	Young.

Nays—24.

Arnold.	Morgan
Avis.	of Liberty.
Bird.	Pate.
Burmeister.	Pool.
Carpenter	Pope.
of Matagorda.	Quaid.
Collins.	Quinn.
Culp.	Russell
Henderson	of Callahan.
of McLennan.	Shearer.
Jennings.	Smith.
McFarlane.	Stewart
Maxwell.	of Galveston.
Merritt.	Turner.
	Winfree.

Absent.

Amsler.	Jacks.
Baldwin.	Johnson.
Bobbitt.	Kemble.
Carpenter	Loftin.
of Dallas.	McKean.
Coffee.	Moore.
Covey.	Morgan
Davenport.	of Robertson.
Dielmann.	Robinson.
Frnka.	Rowland.
Fugler.	Stiernberg.
Green.	Storey.
Hardin	Strickland.
of Kaufman.	Teer.
Houston.	Vaughan.
Hughes.	Williamson.
Hull.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.

# COMMITTEE TO INVESTIGATE UNIVERSITY LAND PURCHASE STATUS.

Committee to investigate and report on status of University land purchase: Messrs. Moore, chairman; Quaid, Bonham, Edwards and Westbrook.

## PROVIDING FOR MEMORIAL DAY PROGRAM.

Mr. Purl offered the following resolution:

Whereas, May 30th has been designated and observed for many years as Memorial Day, at which time every man, woman and child in this nation is called upon to honor the noble dead who have sacrificed their lives upon the altar of freedom; and

Whereas, Since this Legislature is made up to a great extent of men who served in the last World War, some in the Spanish-American War and a few in the Civil War, and regardless of whether or not some of us actually wore the uniforms, all of us revere and honor our soldier dead; therefore, be it

Resolved by the House of Representatives of the Thirty-eighth Legislature, That we observe Memorial Day in this House by making a special order of the day at 11 o'clock, May 30th, at which time a suitable program be held and at which time we invite Major John C. Townes, Jr., State commander of the American Legion of Texas, to address us, and a committee of five men to be appointed by the Speaker to arrange for the program, and that furthermore, that we invite the Senate to sit with us at this hour commemorating this occasion.

Signed—Purl, for all the ex-service men of the House.

The resolution was read second time and was adopted.

## HOUSE BILL NO. 35 ON ENGROSSMENT.

The House resumed consideration of unfinished business, same being House bill No. 35, providing for partial repeal of the \$600,000 appropriation for the topographic survey, on its passage to engrossment.

Mr. Simpson moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 35, and the call was duly seconded.

The Speaker then directed the Door-

keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

Mr. Price offered the following amendment to the bill:

Amend House bill No. 35 by striking out all after the enacting clause and insert the following:

"Section 1. That Section 3 of the act of the Legislature, approved January 31, 1923, being House bill No. 17, enacted by the Thirty-eighth Legislature at its Regular Session, and more fully described in the caption hereof, be and the same is hereby amended so as to read as follows:

"Section 3. For the purpose of securing, assembling and reporting the data authorized and directed in Section 1 of this act, there is hereby appropriated the sum of \$50,000 per annum to the State Board of Water Engineers, the sum of \$34,200 for the first year, and \$54,200 for the second year to the State Reclamation Engineer for topographic surveys, and the further sum of \$50,000 per annum for the State Board of Water Engineers for stream measurements and other hydrographic work, or so much thereof as may be necessary: all moneys to be disbursed in conformity to the provisions of law directing and controlling expenditures by the State Board of Water Engineers and the State Reclamation Engineer; said sums to be available for the purposes herein declared for a period of two years from September 1, 1923, and out of general revenue funds not otherwise appropriated."

"Sec. 2. The fact that it is necessary to cut down excessive appropriations in order that the appropriations will not exceed the revenues of the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted."

The amendment was adopted.

Mr. Price offered the following amendment to the bill:

Amend House bill No. 35 by striking

out all before the enacting clause and insert the following:

"A bill to be entitled An Act amending the act passed by the Thirty-eighth Legislature at its Regular Session, approved January 31, 1923, the same being House bill No. 17, entitled 'An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make, cause to be made, and report to the Governor an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable, advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency,' amending said bill so as to reduce the appropriation therein made, and declaring an emergency."

The amendment was adopted.

Mr. Crawford moved the previous question on the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 35 was then passed to engrossment by the following vote:

## Yeas—79.

Avis.	Fields.
Barker.	Finlay.
Barrett.	Greer.
Beasley.	Hardin of Erath.
Bell.	Harris.
Bird.	Henderson
Cable.	of Marion.
Carson.	Henderson
Carter of Coke.	of McLennan.
Carter of Hays.	Hendricks.
Chitwood.	Howeth.
Collins.	Jennings.
Cowen.	Lackey.
Crawford.	Laird.
Culp.	Lane.
Davis.	LeMaster.
DeBerry.	Loftin.
Dodd.	Looney.
Downs.	McBride.
Driggers.	McDaniel.
Duffey.	McDonald.
Dunlap.	McFarlane.
Dunn.	Mathes.
Edwards.	Melson.
Faubion.	Merriman.

Merritt.  
Miller.  
Moore.  
Pate.  
Patman.  
Perdue.  
Pinkston.  
Pope.  
Potter.  
Price.  
Purl.  
Quinn.  
Rice.  
Sanford.  
Satterwhite.  
Simpson.  
Sparkman.

Stell.  
Stewart  
of Edwards.  
Stewart  
of Galveston.  
Stewart of Jasper.  
Storey.  
Stroder.  
Teer.  
Thompson.  
Thrasher.  
Turner.  
Wallace.  
Westbrook.  
Wilmons.  
Winfree.  
Young.

## Nays—29.

Arnold.	Lewis.
Baker of Milam.	McNatt.
Baldwin.	Martin.
Burmeister.	Maxwell.
Carpenter	Montgomery.
of Dallas.	Pool.
Carpenter	Quaid.
of Matagorda.	Russell
Covey.	of Callahan.
Davenport.	Russell of Trinity.
Durham.	Shearer.
Frnka.	Shires.
Hull.	Smith.
Irwin.	Stevens.
Kemble.	Stewart of Reeves.
LeSturgeon.	Wells.

## Present—Not Voting.

Gipson.

## Absent

Amsler.	Jacks.
Bobbitt.	Johnson.
Bonham.	McKean.
Coffee.	Morgan
Dielmann.	of Robertson.
Fugler.	Robinson.
Green.	Rowland.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Harrington.	Vaughan.
Houston.	Williamson.
Hughes.	

## Absent—Excused.

Abney.	Lusk.
Atkinson.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.

## Paired.

Mr. Morgan of Liberty (present), who would vote "yea," with Mr. Baker of Orange (absent), who would vote "nay."

MOTION TO TAKE UP HOUSE BILL  
NO. 35.

Mr. Price moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 35 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—84.

Mr. Speaker.	LeSturgeon.
Avis.	Loftin.
Barker.	Looney.
Barrett.	McBride.
Beasley.	McDaniel.
Bell.	McDonald.
Bird.	McFarlane.
Bonham.	Mathes.
Cable.	Melson.
Carpenter	Merritt.
of Dallas.	Miller.
Carson.	Moore.
Carter of Coke.	Morgan
Carter of Hays.	of Liberty.
Collins.	Pate.
Cowen.	Patman.
Crawford.	Perdue.
Culp.	Pinkston.
Davis.	Pope.
DeBerry.	Potter.
Dodd.	Price.
Downs.	Purl.
Driggers.	Quinn.
Duffey.	Rice.
Dunlap.	Sanford.
Dunn.	Satterwhite.
Edwards.	Shearer.
Faubion.	Simpson.
Fields.	Sparkman.
Finlay.	Stell.
Gipson.	Stewart
Greer.	of Edwards.
Hardin of Erath.	Stewart
Harris.	of Galveston.
Henderson	Stewart of Jasper.
of Marion.	Storey.
Henderson	Stroder.
of McLennan.	Teer.
Hendricks.	Thrasher.
Howeth.	Turner.
Irwin.	Wallace.
Jennings.	Westbrook.
Lackey.	Wilmons.
Laird.	Winfree.
Lane.	Young.
LeMaster.	

Nays—26.

Arnold.	Chitwood.
Baker of Milam.	Covey.
Baldwin.	Davenport.
Burmeister.	Durham.
Carpenter	Frnka.
of Matagorda.	Hull.

Kemble.	Russell
Lewis.	of Callahan.
McNatt.	Russell of Trinity.
Martin.	Shires.
Maxwell.	Smith.
Montgomery.	Stevens.
Pool.	Stewart of Reeves.
Quaid.	Wells.

Absent.

Amsler.	Johnson.
Bobbitt.	McKean.
Coffee.	Morgan
Dielmann.	of Robertson.
Fugler.	Robinson.
Green.	Rowland.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Harrington.	Thompson.
Houston.	Vaughan.
Hughes.	Williamson.
Jacks.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.

Mr. Price moved to reconsider the vote by which House bill No. 35 was passed to engrossment and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—74.

Avis.	Edwards.
Barker.	Faubion.
Barrett.	Fields.
Beasley.	Finlay.
Bell.	Greer.
Bird.	Hardin of Erath.
Cable.	Harris.
Carpenter	Henderson
of Dallas.	of Marion.
Carson.	Henderson
Carter of Coke.	of McLennan.
Carter of Hays.	Hendricks.
Chitwood.	Howeth.
Collins.	Lackey.
Cowen.	Lane.
Crawford.	LeMaster.
Culp.	Loftin.
Davis.	Looney.
DeBerry.	McBride.
Dodd.	McDaniel.
Downs.	McDonald.
Driggers.	McFarlane.
Duffey.	Mathes.
Dunn.	Melson.

Merritt.	Stell.
Miller.	Stewart
Moore.	of Edwards.
Morgan	Stewart
of Liberty.	of Galveston.
Patman.	Stewart of Jasper.
Perdue.	Storey.
Pinkston.	Stroder.
Potter.	Teer.
Price.	Thompson.
Purl.	Thrasher.
Quinn.	Turner.
Rice.	Westbrook.
Robinson.	Wilmans.
Sanford.	Winfree.
Simpson.	Young.
Sparkman.	

## Nays—27.

Arnold.	Lewis.
Baker of Milam.	McNatt.
Baldwin.	Martin.
Burmeister.	Maxwell.
Carpenter	Montgomery.
of Matagorda.	Pool.
Covey.	Russell
Davenport.	of Callahan.
Durham.	Russell of Trinity.
Frnka.	Shearer.
Hull.	Shires.
Irwin.	Smith.
Kemble.	Stewart of Reeves.
Laird.	Wells.
LeStourgeon.	

## Present—Not Voting.

Mr. Speaker.

## Absent.

Amsler.	Johnson.
Bobbitt.	McKean.
Bonham.	Morgan
Coffee.	of Robertson.
Dielmann.	Pate.
Dunlap.	Patterson.
Fugler.	Pope.
Gipson.	Quaid.
Green.	Rowland.
Hardin	Satterwhite.
of Kaufman.	Stevens.
Harrington.	Stiernberg.
Houston.	Strickland.
Hughes.	Vaughan.
Jacks.	Wallace.
Jennings.	Williamson.

## Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Rogers.
Blount.	Sackett.
Bryant.	Sweet.
Dinkle.	Wessels.
Jones.	Wilson.
Lamb.	

RELATING TO VOTE ON HOUSE  
BILL NO. 8.

Mr. Patman moved to reconsider the vote by which House bill No. 8 was passed to engrossment and to table the motion to reconsider.

Mr. Stewart of Reeves moved a call of the House for the purpose of maintaining a quorum until 5:20 o'clock p. m., and the motion was lost.

Mr. Cable moved a call of the House for the purpose of maintaining a quorum pending consideration of the motion to reconsider and table, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Cable, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

The roll was called and developed the fact that there was not a quorum present.

Mr. Davenport moved that the House adjourn until 10 o'clock a. m. tomorrow, and the motion was lost.

Mr. Baldwin moved that the Sergeant-at-Arms be instructed to notify all members absent unexcused to report at once or they would be arrested and brought in.

## ADJOURNMENT.

On motion of Mr. Carpenter of Dallas, the House, at 5 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following standing committees have filed favorable reports today on bills as follows:

Revenue and Taxation—House bills Nos. 66 and 68.

Appropriations—House bill No. 42.

The following standing committee has filed unfavorable report today on bill as follows:

Revenue and Taxation—House bill No. 59.

## REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, May 29, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 25, A bill to be entitled "An Act amending Section 13 of Article 7355, Revised Civil Statutes of the State of Texas, 1911, imposing an occupation tax upon theatrical, dramatic and musical comedy shows and amusements for which pay for admission is demanded or received, and which travel from place to place and give exhibitions, the amount of tax to be determined according to the number of inhabitants in cities and towns affected by this act and by the amount charged for admission; making certain exemptions from the provisions of this act, and declaring an emergency,"

And find the same correctly engrossed.  
PRICE, Vice-Chairman.

Committee Room,  
Austin, Texas, May 28, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 2, A bill to be entitled "An Act to amend Articles 7369, 7371, 7372, 7373, 7378 and 7382 of Chapter 2, Title 126, of the Revised Civil Statutes of Texas, 1911, relative to the levying of occupation taxes upon individuals, companies, corporations and associations pursuing any of the occupations, that is, viz: express companies, gas, electric light, power or water-works, collection or commission agencies, car companies, interurban and electric railway companies and telephone companies; providing for an in-

crease of the cross receipts tax to be paid by said companies; providing for a new article to be numbered 7383b, to provide that each company subject to the provisions of this chapter shall cause to be made and to be kept and preserved a full and complete record of all business, and said record shall be open to the inspection of all tax officers of the State; and also providing further, that any company subject to the provisions of the Intangible Tax Law as set out in Chapter 4, Title 162, of the Revised Statutes of 1911, and all amendments thereto, and are complying with the provisions of said law, shall not be subject to the provisions of this chapter, and declaring an emergency,"

And find the same correctly engrossed.  
SANFORD, Acting Chairman.

Committee Room,  
Austin, Texas, May 29, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 28, A bill to be entitled "An Act amending Section 14 of Article 7355 of the Revised Civil Statutes of the State of Texas of 1911, relative to occupation taxes; fixing the amount of taxes to be levied on circuses, shows, amusement companies, trained animal shows, wild west shows and other companies of similar kind and character; conferring upon counties, incorporated cities, towns and villages authority to levy occupation taxes; providing for the bringing of suit for the collection of such taxes due the State of Texas and fixing the venue thereof; making certain exemptions from the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
PRICE, Vice-Chairman.

# Extending Sympathy

to

## Hon. Carey M. Abney

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Mr. Frnka offered the following resolution:

Whereas, It has come to the knowledge of the House of Representatives of the Thirty-eighth Legislature that Mr. Carey M. Abney, Sr., of Waskom, Texas, departed this life on the 25th day of May, A. D. 1923; and

Whereas, The deceased was the father of our fellow member, the Hon. Carey M. Abney of Harrison county, whom we all honor and respect and hold in highest esteem and affection; and

Whereas, The deceased was a useful, honored and most highly respected citizen and Christian gentleman; therefore, be it

Resolved, That the House of Representatives of the Thirty-eighth Legislature of the State of Texas, in session assembled, extend our sincere sympathy to our fellow member, and to the family of the deceased, and to the community which was blessed by his influence and life to claim him as a resident, and that we join in their bereavement and loss; and be it further

Resolved, That a page of the Journal of the House be set apart and be dedicated to his memory, and an enrolled copy of this resolution be sent to the family of the deceased.

FRNKA,  
CRAWFORD,  
PRICE,  
STEWART of Reeves,  
BEASLEY,  
WALLACE,  
STOREY,  
BELL  
LOFTIN,  
HENDERSON of Marion,  
FUGLER,  
DODD,  
DOWNS,  
PATMAN.

The resolution was read second time and was adopted by a rising vote.